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UNCLAS SECTION 01 OF 02 ROME 002071

SIPDIS

USDA FOR FAS/LYNNE REICH AND DICK HUGHES
STATE FOR IO/EDA ROSE BERSTEIN
USAID FOR RALPH CUMMINGS

FROM FODAG

E.O. 12958: N/A

TAGS: [AORC](#) [EAGR](#) [AORC](#) [EAGR](#) [FAO](#) [FAO](#)

SUBJECT: WORLD FOOD SUMMIT FIVE YEARS LATER: CODE OF CONDUCT ON RIGHT TO FOOD

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REF: (01) ROME 4929

¶1. SUMMARY: A COALITION OF COUNTRIES (DEVELOPED AND DEVELOPING) IS PROMOTING WORLD FOOD SUMMIT FIVE YEARS LATER ENDORSEMENT OF A VOLUNTARY CODE OF CONDUCT ON THE RIGHT TO FOOD AS A "DELIVERABLE" OF THE UPCOMING SUMMIT-LEVEL MEETING. THE UNITED STATES OBJECTED TO A CODE OF CONDUCT AT THE 1996 WORLD FOOD SUMMIT AND CONTINUES TO OPPOSE ONE ON THE GROUNDS THAT A CODE WILL DO LITTLE TO PROMOTE FREEDOM FROM HUNGER, AND IS LIKELY TO STIPULATE POLITICAL AND ECONOMIC CONDUCT (NO SANCTIONS/EMBARGOES, NO GMO'S, ANTI-FREE TRADE) WHICH IS AGAINST U.S. PRIVATE AND PUBLIC INTERESTS. HOWEVER, IF THE CODE'S ENDORSEMENT CANNOT BE PREVENTED, A LATIN AMERICAN PROPOSAL -- TO HAVE AN INTERGOVERNMENTAL WORKING GROUP UNDER FAO AUSPICES DRAFT THE CODE -- MAY BE PREFERABLE TO A NORWEGIAN PROPOSAL TO HAVE THE HIGH COMMISSIONER FOR HUMAN RIGHTS DRAFT THE CODE OF CONDUCT. WASHINGTON VIEWS REQUESTED. END SUMMARY.

BACKGROUND

¶2. A CODE OF CONDUCT ON THE RIGHT TO FOOD IS "UNFINISHED BUSINESS" FROM THE 1996 WORLD FOOD SUMMIT. THE U.S. SUCCEEDED IN KEEPING OUT A SPECIFIC REFERENCE TO A CODE AT THE SUMMIT, BUT A LIVELY DEBATE ON THE CODE CONTINUED. A CIVIL-SOCIETY DRAFTED CODE OF CONDUCT HAS BEEN CIRCULATED, AND IS FREQUENTLY REFERRED TO IN RIGHT TO FOOD LITERATURE (AND MIGHT BE DRAWN ON FOR ANY FUTURE NEGOTIATED TEXT). COMMENT 12 ON RIGHT TO FOOD BY THE UN
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (2000) STATED THAT "THE PRIVATE SECTOR - NATIONAL AND TRANSNATIONAL - SHOULD PURSUE ITS ACTIVITIES WITHIN THE FRAMEWORK OF A CODE OF CONDUCT TO RESPECT THE RIGHT TO ADEQUATE FOOD, AGREED UPON JOINTLY WITH THE GOVERNMENT AND CIVIL SOCIETY."

WHY IS THE U.S. AGAINST THE RIGHT TO FOOD AND A CODE OF CONDUCT?

¶3. DRAFTING A CODE OF CONDUCT - IN ADDITION TO BEING A VERY POOR USE OF FAO'S SCARCE RESOURCES -- WILL NOT HELP COUNTRIES IMPROVE FOOD SECURITY ON THE GROUND: IF THE EXISTING CIVIL SOCIETY CODE IS ANY GUIDE, IT WILL BECOME A POLITICAL DIATRIBE AGAINST TRADE LIBERALIZATION, AGAINST MULTINATIONAL CORPORATIONS, AGAINST SANCTIONS/EMBARGOES AND AGAINST GMO'S. OF EVEN MORE CONCERN, IT SEEKS TO SHIFT RESPONSIBILITY FOR HUNGER FROM NATIONAL GOVERNMENTS, AND ONTO THE PRIVATE SECTOR AND "THE INTERNATIONAL COMMUNITY."

¶4. FURTHERMORE, IT IMPLIES ACCEPTANCE OF A LEGALLY BINDING RIGHT TO FOOD WHICH IS INCONSISTENT WITH THE U.S. POSITION AS STATED AT THE WORLD FOOD SUMMIT. THE U.S. POSITION ON RIGHT TO FOOD IS THAT IT IS A GOAL OR ASPIRATION TO BE REALIZED PROGRESSIVELY WHICH DOES NOT GIVE RISE TO ANY INTERNATIONAL OBLIGATIONS TO REDRESS VIOLATIONS OR COMPENSATE VICTIMS, NOR DOES IT DIMINISH THE RESPONSIBILITIES OF NATIONAL GOVERNMENTS TOWARD THEIR CITIZENS.

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CURRENT STATE OF PLAY

¶5. ALTHOUGH THE FAO HAS BEEN ABLE TO GENERATE LITTLE ENTHUSIASM FOR ITS PROPOSALS TO SPEED UP WORK ON THE STILL-UNFINISHED DECLARATION FOR THE JUNE 10-13 WORLD FOOD SUMMIT FIVE YEARS LATER (WFS5YL), INTENSE ACTIVITY IS TAKING PLACE IN AND OUTSIDE OF ITALY ON THE "RIGHT TO FOOD" SEGMENT OF THE DRAFT DECLARATION. THE GOVERNMENTS

OF ITALY AND NORWAY HAVE SPONSORED (AND GERMANY WILL SPONSOR MAY 22-23) SEMINARS ON THE RIGHT TO FOOD WITH A VIEW TO GATHERING SUPPORT FOR A CODE OF CONDUCT ON THE RIGHT TO FOOD AS A "DELIVERABLE" FOR THE UPCOMING WFS5YL. (THE UNITED STATES WAS INVITED TO THE ITALIAN AND GERMAN SEMINARS, BUT WAS NOT INVITED TO THE NORWEGIAN EVENT.)

16. POLITICAL "BUY-IN" HAS BEEN AT THE HIGHEST LEVEL IN ITALY, WHERE THE ITALIAN MINISTER OF AGRICULTURE STATED HIS SUPPORT FOR A CODE AT A SEMINAR ORGANIZED BY THE ITALIAN MINISTRY OF AGRICULTURE AND THE JACQUES MARITAIN INSTITUTE (REFTEL). (COMMENT: MISOFF LEARNED FROM THE MINISTER'S INTERNATIONAL AFFAIRS ADVISER THAT THE

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ACTION IO-00

INFO	LOG-00	AID-00	AMAD-00	CIAE-00	COME-00	CTME-00	DODE-00
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	INR-00	ITC-01	NSAE-00	OES-01	OIC-02	OMB-01	OPIC-01
	SS-00	STR-00	TEST-00	TRSE-00	SAS-00	/006W	

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MINISTER IS COMMITTED TO A CODE OF CONDUCT, AND FOR POLITICAL REASONS CANNOT BACK AWAY FROM THAT COMMITMENT. END COMMENT). SIMILARLY, THE GERMAN SEMINAR IS TO BE OPENED BY THE GERMAN MINISTER OF AGRICULTURE AND CONSUMER PROTECTION, RENATE KUNAST.

NORWEGIAN PROPOSAL

17. A NORWEGIAN NON-PAPER CIRCULATED AMONG EUROPEAN COUNTRY MISSIONS IN ROME PROPOSES RE-OPENING THE ROME DECLARATION AND PROGRAM OF ACTION TO INVITE THE HIGH COMMISSIONER ON HUMAN RIGHTS TO DEVELOP A VOLUNTARY CODE OF CONDUCT ON THE RIGHT TO ADEQUATE FOOD, "WITH A VIEW TO POLICY AND PROGRAM DEVELOPMENT, MEANS AND METHODS OF IMPLEMENTATION, NATIONAL LEGISLATION AND MONITORING, AS WELL AS MAKING NATIONAL REPORTING BY STATES PARTIES TO THE INTERNATIONAL TREATY BODY (THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS) MAXIMALLY RELEVANT."

LATIN AMERICAN PROPOSAL

18. A LATIN AMERICAN GROUP (GRULAC) PROPOSAL TAKES ANOTHER TACK (VENEZUELA IS THE LEADING COUNTRY AMONG THE LATINS ON THIS ISSUE): FODAG RECEIVED THE FOLLOWING FROM GRULAC 4/26/02:

BEING TEXT:

WE UNDERLINE OUR CONVICTION THAT A VOLUNTARY CODE OF CONDUCT ON THE RIGHT TO FOOD WILL HELP STRENGTHEN THE POLICIES DIRECTED AT ACHIEVING FOOD SECURITY FOR ALL, AND

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THEREFORE DECIDE TO ESTABLISH AN INTERGOVERNMENTAL WORKING GROUP FOR THE ELABORATION OF THE VOLUNTARY CODE OF CONDUCT WITH A TWO-YEAR PERIOD, IN COORDINATION WITH THE RELEVANT UN ORGANISMS THROUGH THE FAO SECRETARIAT. THE INTERGOVERNMENTAL WORKING GROUP SHALL INFORM THE COMMITTEE ON FOOD SECURITY OF ITS RESULTS.
END TEXT.

PROPOSED ACTION

9. ASSUMING THERE IS OVERWHELMING PRESSURE FOR THE WFS5YL TO APPROVE A CODE OF CONDUCT, FODAG SEES THE FOLLOWING ADVANTAGES OF THE GRULAC PROPOSAL:

-- THE DRAFTING IS IN THE HANDS OF AN INTERGOVERNMENTAL BODY (RATHER THAN THE HIGH COMMISSIONER FOR HUMAN RIGHTS) WHERE THE U.S. CAN PARTICIPATE ACTIVELY;

-- FAO HAS PREVIOUS EXPERIENCE WITH CODES OF CONDUCT (PESTICIDES, FISHERIES). NEGOTIATION OF THESE CODES OF CONDUCT HAS INCLUDED PARTICIPATION BY INDUSTRY AND OTHER STAKEHOLDERS.

10. THE U.S. WOULD NEED TO WORK FOR THE FOLLOWING:

-- CONSENSUS DECISION MAKING;

-- INDUSTRY AND OTHER STAKEHOLDER PARTICIPATION;

-- THE BODY STARTS FROM SCRATCH (NOT USING THE CIVIL SOCIETY DRAFTED CODE AS A BASIS.) AS AN ALTERNATIVE, THE UNCLASSIFIED

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GROUP COULD REQUEST THE CFS TO SURVEY "VOLUNTARY NATIONAL GUIDELINES" THAT COUNTRIES HAVE ADOPTED, ALONG WITH AN ASSESSMENT OF THESE GUIDELINES (IN ORDER TO UNDERSTAND WHAT WORKS AND WHAT DOESN'T);

-- IT MUST BE FUNDED FROM VOLUNTARY CONTRIBUTIONS (NO ALLOCATION IN THE 2002-2003 BUDGET);

-- IT MUST FOCUS ON FAO'S AREAS OF COMPETENCE.

11. WASHINGTON GUIDANCE ON THESE POINTS REQUESTED FOR DISCUSSING THE ISSUE WITH OTHER PERMANENT MISSIONS IN ROME IN THE RUN-UP TO THE SUMMIT. HEILEMAN

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